

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOHN FALAT, JR., MICHAEL RUSSO  
and DEBORAH TROUT

*Plaintiffs,*

v.

THE COUNTY OF HUNTERDON;  
GEORGE MELICK; WILLIAM MENNEN;  
RONALD SWOREN; MATTHEW HOLT;  
ERIK PETERSON; ROBERT WALTON;  
GAETANO DESAPIO; KENNETH  
ROWE; EDWARD DEFILIPPIS;  
CYNTHIA YARD; DONNA SIMON; et  
als.

*Defendants.*

Civil Action No. 2:12-cv-06804  
(FSH/MAH)

REQUEST TO ENTER DEFAULT

**TO:** W. Timothy Howes, Esq.  
Howes & Howes  
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Raritan, NJ 08869-1802  
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Attorney for Donna Simon  
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**ON NOTICE TO:**

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Attorneys for Hunterdon County Defendants

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[bhmankoff@mdwecg.com](mailto:bhmankoff@mdwecg.com)  
Attorney for Gaetano DeSapio

**TO THE CLERK OF THE ABOVE NAMED COURT:**

Please enter upon the docket the default of the defendant Donna Simon as provided by  
Fed. R. Civ. P. 55 in the above-entitled action for failure to plead or otherwise defend.

Law Offices of William J. Courtney, LLC

Dated: May 2, 2014

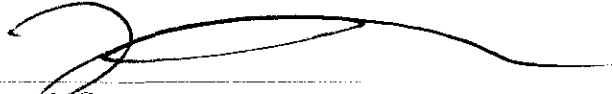
By: \_\_\_\_\_  
William J. Courtney  
New Jersey Attorney ID #016161986  
LAW OFFICE OF WILLIAM J. COURTNEY  
200 Main Street  
P.O. Box 112  
Flemington, New Jersey 08822  
(908) 782-5900 (tel)  
(908) 782-7001 (fax)  
Attorneys for Plaintiffs, John Falat, Jr.,  
Michael Russo and Deborah Trout

**CERTIFICATION**

1. I, William J. Courtney, am the attorney for plaintiffs in the above-entitled action.
2. The Summons and a copy of the Complaint in this action were served upon defendant Donna Simon on September 18, 2012, as appears from the Proof of Process Service (copy attached as **Exhibit A**).
3. Pursuant to the April 4, 2014 Amended Scheduling Order of the Honorable Michael A. Hammer, U.S.M.J., Defendant Donna Simon was to have filed her answer or otherwise move on or before April 17, 2014 (**Exhibit B**). Defendant Donna Simon has not responded.
4. The time within which defendant Donna Simon may respond or otherwise move as to the said Complaint has expired, has not been extended or enlarged, and has not answered or otherwise moved.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Law Offices of William J. Courtney, LLC

By:   
William J. Courtney  
New Jersey Attorney ID #016161986  
LAW OFFICE OF WILLIAM J. COURTNEY  
200 Main Street  
P.O. Box 112  
Flemington, New Jersey 08822  
(908) 782-5900 (tel)  
(908) 782-7001 (fax)  
Attorneys for Plaintiffs, John Falat, Jr.,  
Michael Russo and Deborah Trout

Dated: May 2, 2014

# EXHIBIT A

**Hunterdon County Sheriff's Office  
PROOF OF PROCESS SERVICE**

Service # 2 of 3 Services

Docket # L-3972-12

Sheriff's # **\$ 25696**

Plaintiff JOHN FALAT, JR.; MICHAEL RUSSO and DEBORAH TROUT

Defendant THE COUNTY OF HUNTERDON; THE OFFICE OF THE  
HUNTERDON COUNTY PROSECUTOR; J. PATRICK BARNES,

SUPERIOR  
NEW JERSEY  
HUDSON

Person/Corp Served  
DONNA SIMON

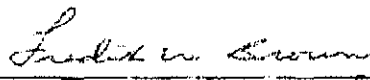
Papers to Serve  
SUMMONS  
COMPLAINT

22 WITHERSPOON STREET  
WHITEHOUSE STATION, NJ 08889

Alternate Address

I, FREDERICK W. BROWN, SHERIFF OF HUNTERDON COUNTY DO HEREBY DEPUTIZE AND APPOINT  
CPL. KEITH YASUNAS A DULY SWORN OFFICER TO EXECUTE AND RETURN THE  
DOCUMENTS ACCORDING TO LAW.

WITNESS BY HAND AND SEAL

  
\_\_\_\_\_  
Sheriff

Date of Service 9/18/2012

Time of Service 4:30 PM

Attempts

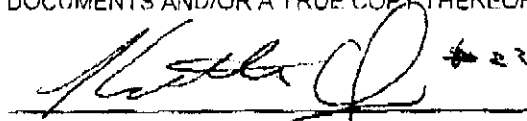
Served DONNA SIMON  
22 WITHERSPOON STREET  
WHITEHOUSE STATION, NJ 08889

Delivered To DONNA SIMON

Relationship SELF

Type of Service PERSONAL SERVICE AT HCSO

I, CPL. KEITH YASUNAS WAS ABLE TO SERVE THE WITHIN DOCUMENTS AND/OR A TRUE COPY THEREOF.

  
\_\_\_\_\_  
Cpl. Keith Yasunas

LAW OFFICES OF WILLIAM J. COURTNEY, L.L.  
200 MAIN STREET  
FLEMINGTON, NJ 08822  
PO BOX 1

Sheriff Fees \$68.00

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

_____	:	
JOHN FALAT, JR., et al.,	:	
	:	
Plaintiffs,	:	Civil Action No. 12-6804 (FSH)
	:	
v.	:	
	:	AMENEDED SCHEDULING ORDER
COUNTY OF HUNTERDON, et al.,	:	
	:	
Defendants.	:	
_____	:	

This matter having come before the Court for a telephonic status conference on April 4, 2014;

and for the reasons set forth on the record on that date;

and for good cause shown;

IT IS on this 4<sup>th</sup> day of April, 2014.

ORDERED THAT:

1. Defendant Simon shall answer or otherwise respond to the Complaint on or before **April 17, 2014**.
2. There shall be an in-person status and settlement conference on **July 15, 2014 at 10:00 a.m.** No later than **July 14, 2014**, each party should submit a confidential memorandum to the Court, not to exceed 5 pages, summarizing the relevant facts, the respective legal positions, status of the case, and the client's "bottom line" position on settlement. "Bottom line" means the minimum the Plaintiff will settle for or the maximum the Defendant will settle for. Trial Counsel and clients with full settlement authority must attend the conference. If the trial counsel **and** client with full settlement authority do not

appear, the settlement conference may be cancelled or rescheduled and the noncompliant party and/or attorney may be sanctioned, which may include an assessment of the costs and expenses incurred by those parties who appeared as directed.

3. Fact discovery shall remain open through **July 11, 2014**.
4. Written discovery shall be completed by **May 12, 2014**.
5. All affirmative expert reports shall be delivered by **August 1, 2014**.
6. All responding expert reports shall be delivered by **September 11, 2014**.
7. All expert reports are to be in the form and content as required by Fed. R. Civ. P. 26(a)(2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the experts report.
8. All expert depositions shall be completed by **October 13, 2014**.
9. Any motion to exclude or limit expert testimony based on *Daubert* must be filed on or before **November 21, 2014**.
10. Any dispositive motion shall be filed on or before **August 22, 2014**. Any opposition shall be filed on or before **September 2, 2014**. Any reply shall be filed on or before **September 9, 2014**. The motion shall be returnable on **September 15, 2014** before the Honorable Faith S. Hochberg. Her Honor's chambers shall advise the parties in advance if oral argument is required.
11. All other deadlines set forth in the Court's prior scheduling orders shall remain in full force and effect.

/s/ Michael A. Hammer  
United States Magistrate Judge